

**177.480 Tolls for use of turnpike -- Contracts for utility and service facilities --
Disposition of toll revenues -- Maintenance of turnpike by Department of
Highways.**

- (1) The department is hereby authorized to fix, revise, charge, and collect tolls for the use of each turnpike project and the different parts or sections thereof, and to contract with any person, partnership, association, or corporation desiring the use of any part thereof, including the right-of-way adjoining the paved portion, for placing thereon telephone, telegraph, electric light or power lines, service stations, garages, stores, hotels, and restaurants, or for any other purpose except for tracks for railroad or railway use, and to fix the terms, conditions, rents, and rates of charges for such use. A sufficient number of service stations shall be authorized to be established in each service area along any such turnpike to permit reasonable competition by private business in the public interest.
- (2) Tolls shall be so fixed and adjusted in respect of the aggregate of tolls from the turnpike project or projects in connection with which the bonds of any issue shall have been issued under the provisions of KRS 177.390 to 177.570 as to provide funds sufficient, with any other available funds, to pay (a) the cost of maintaining, repairing, operating, regulating, and policing such turnpike project or projects, unless such cost or any part thereof has been assumed by the department as provided in this section, and (b) the principal of and the interest on such bonds as the same shall become due and payable, and to create reserves for such purposes. Such tolls shall not be subject to supervision or regulation by any other department, commission, board, bureau, or agency of the Commonwealth. The tolls and all other revenues derived from the turnpike project or projects in connection with which the bonds of any issue shall have been issued, except such part thereof as may be necessary to pay such cost of maintenance, repair, operation, regulation, and policing, and to provide such reserves therefor as may be provided for in the proceedings authorizing the issuance of such bonds or in the trust agreement securing the same, shall be set aside in a sinking fund or funds which are hereby pledged to, and charged with, the payment of the principal of and the interest on such bonds as the same shall become due and the redemption price or the purchase price of bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time when the pledge is made; the tolls or other revenues or other moneys so pledged and thereafter received by the department shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act; and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the department, irrespective of whether such parties have notice thereof. Neither the proceedings nor any trust agreement by which a pledge is created need be filed or recorded except in the records of the department. The use and disposition of moneys to the credit of any such sinking fund shall be subject to the provisions of the proceedings authorizing the issuance of such bonds or of such trust agreement. Except as may otherwise be provided in such proceedings or in such trust agreement, any such sinking fund shall be a fund for all bonds provided to be payable therefrom without distinction or priority of one over another.

- (3) Notwithstanding any of the foregoing provisions of this section, the department may, in the proceedings authorizing the issuance of revenue bonds or revenue refunding bonds under the provisions of KRS 177.390 to 177.570 or in the trust agreement securing such bonds, covenant to pay all or any part of the cost of maintaining, repairing, operating, regulating, and policing any project constructed under the provisions of KRS 177.390 to 177.570, and the department may, in such proceedings or trust agreement, covenant to make up all or any part of any deficiency in the fund or funds pledged to and charged with the payment of the principal of and the interest on such bonds from any funds or tax revenues available for general purposes of the department and not required by law to be devoted to some other purpose, and, inasmuch as such project will at all times belong to the Commonwealth, any such covenant will have the force of contract between the Commonwealth and the holders of such revenue bonds or revenue refunding bonds.
- (4) Notwithstanding any of the foregoing provisions of this section, the department may, in the proceedings authorizing the issuance of revenue bonds or revenue refunding bonds under the provisions of KRS 177.390 to 177.570 or in the trust agreement securing such bonds, pledge to the payment of such bonds all motor fuel taxes and surtaxes collected by the Commonwealth on gasoline and other motor fuels consumed on any project financed under the provisions of KRS 177.390 to 177.570, except the two-sevenths (2/7) of said motor fuel taxes provided by KRS 138.220 to be set aside for the construction, reconstruction, and maintenance of rural and secondary roads, and covenant to deposit such motor fuel taxes and surtaxes from time to time in the sinking fund or funds pledged to the payment of such bonds. In determining the amount of motor fuel consumed on any turnpike project the department shall divide the total miles traveled on such project by passenger automobiles, single unit trucks, and semitrailer trucks and buses as determined by the department by the average number of miles per gallon of motor fuel consumed by each of those classes of motor vehicles on the following basis:

Passenger automobiles	15 miles per gallon
Single unit trucks	10 miles per gallon
Semitrailer trucks and buses	5 miles per gallon

Effective: March 25, 1960

History: Amended 1960 Ky. Acts ch. 174, sec. 7, effective March 25, 1960. -- Created 1950 Ky. Acts ch. 157, sec. 10.